



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln No.: 10/774,912
Filed: February 9, 2004
Applicant: James Schultz
Title: ACCESSORY STORAGE DEVICE
Art Unit: 3632
Examiner: Schulerbrandt, Kofi A.
Attorney Docket No.: 82342
Customer No.: 22242

Confirmation No. 8866

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

10/28/2004

Date Brian S. Clise
Registration No. 47,497
Attorney for Applicant(s)

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TERMINAL DISCLAIMER AND AMENDMENT

Sir:

In response to the Office Action filed June 28, 2004, please enter the following Terminal Disclaimer and Amendments.

A Terminal Disclaimer begins on page 2 of this paper;
Amendments to the claims begin on page 4 of this paper; and
Remarks begin on page 7 of this paper.

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Application No. 10/774,912
Terminal Disclaimer and Amendment dated October 28, 2004
Reply to Office Action of June 28, 2004

I. Terminal Disclaimer

The Office Action of June 28, 2004, provisionally rejects all the present claims under the judicially created doctrine of double patenting. Applicant does not dispute that, as the present application is a continuation application, the present claims would be supported by its parent application. Furthermore, Applicant notes that the present application and its parent both claim priority to Provisional Patent Application No. 60/370,075, filed April 4, 2002. Accordingly, under the patent laws, any patents issuing from the present application and its parent have a common expiration date based on the priority Provisional Application.

James Schultz, a person of principal place of residence at 211 Sandy Point Lane, Lake Zurich, Illinois, 60047, represents through his attorneys that he is the owner of the entire right, title and interest in and to co-pending United States Patent Application Serial Nos. 10/774,912 and 10/407,293. The instant application, Serial No. 10/774,912, filed February 9, 2004, is a continuation of Serial No. 10/407,293, filed April 4, 2003.

James Schultz hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present Application No. 10/774,912 extending beyond the expiration date of the full statutory term, as defined by 35 U.S.C. §§ 154 to 156, of prior Application No. 10/407,293. Mr. Schultz hereby agrees that any patent so granted on Application No. 10/774,912 shall be enforceable only for and during such period that it and Application No. 10/407,293 are commonly owned. This

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agreement is runs with any patent granted on Application No. 10/774,912 and is binding upon the grantee, successors, or assigns.

In making the above disclaimer, Mr. Schultz does not disclaim the terminal part of any patent granted on Application No. 10/774,912 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 of Application No. 10/407,293 in the event that a patent issuing from Application No. 10/407,293 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term.

The Commissioner is hereby authorized to charge Deposit Account No. 06-1135 in the amount of \$55.00 to cover the fee set forth in 37 C.F.R. § 1.20(d). The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication or credit any overpayment to Deposit Account No. 06-1135.

The undersigned is the attorney of record for this matter.